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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,684	09/18/2003	Robert J. Nealon	LUC-423/Nealon 3	8253
32205 7590 11/14/2007 PATTI, HEWITT & AREZINA LLC ONE NORTH LASALLE STREET 44TH FLOOR CHICAGO, IL 60602			EXAMINER MILLS, DONALD L	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 11/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/666,684

Applicant(s)

NEALON, ROBERT J.

Examiner

Donald L. Mills

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2 and 4-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Allen, JR. et al. (US 2001/0017861 A1), hereinafter referred to as Allen.

Regarding claims 1, 7, 12, and 16, Allen discloses an ATM based distributed virtual tandem switching system, which comprises:

Forming a cluster of media gateways, each of the media gateways having a respective transcoder (Referring to Figure 4, T-IWF 28 and CS-IWF 30 (cluster of media gateways) which provide protocol and signaling conversion (transcoder). See paragraphs 0045 and 0046;)

Providing at least one first media gateway of the cluster of media gateways having an integrated broadband SS7 signaling gateway, at least one second media gateway of the cluster of media gateways being without an integrated broadband SS7 signaling gateway (Referring to Figure 4, the centralized control and signaling interworking function, CS-IWF 30, performs call control functions and conversion between narrowband signaling, Signaling System 7 (SS7),

protocol, and a broadband signaling protocol for call processing and control within the ATM network, the T-IWF 28 does not provide such signaling. See paragraphs 0045 and 0046;) and

Using the at least one first media gateway for SS7 signaling and using at least one second gateway for resources other than SS7 signaling (Referring to Figure 4, CS-IWF 30 performs SS7 signaling and the CS-IWF 30 provides protocol conversion to and from TDM/ATM. See paragraphs 0045 and 0046.)

Using a single media gateway with an integrated broadband SS7 signaling gateway as a single SS7 point code for more than one gateway of the cluster of media gateways (Referring to Figure 4, the centralized control and signaling interworking function, CS-IWF 30, performs call control functions and conversion between narrowband signaling, Signaling System 7 (SS7), protocol, and a broadband signaling protocol for call processing and control within the ATM network, comprising a single SS7 point code. See paragraphs 0045, 0046, and 0073.)

Regarding claims 2 and 19, Allen discloses *distributing control signaling related to the establishment, release and maintenance of AAL2 point-to-point connections across a series of ATM VCCs that carry AAL2 links* (Referring to Figure 4, AAL2 switched virtual connections (SVC which is a type of VCC) are established, maintained, and terminated for each call (point-to-point connection across a series of SVC's). See paragraphs 0062-0064.)

Regarding claims 4, 9, 14 and 17, Allen discloses *using a single broadband SS7 signaling stack as the AAL2 signaling entity to the multiple AAL2 service endpoints acting as AAL2 served users* (Referring to Figure 4, AAL2 switched virtual connections are established, maintained, and terminated for each call (multiple AAL2 service endpoints, source and destination in this example,) via the centralized CS-IWF 30 (single broadband SS7 signaling stack), which

performs call control functions and conversion between narrowband signaling, Signaling System 7 (SS7), protocol, and a broadband signaling protocol for call processing and control within the ATM network. See paragraphs 0045, 0046, and 0062-0064.)

Regarding claims 5, 10, and 15, Allen discloses *using an AAL2 signaling protocol that provides the signaling capability to establish, release and maintain AAL2 point-to-point connections across a series of ATM VCCs that carry AAL2 links* (Referring to Figure 4, AAL2 switched virtual connections are established, maintained, and terminated for each call (AAL2 point-to-point service,) via the centralized CS-IWF 30 (single broadband SS7 signaling stack), which performs call control functions and conversion between narrowband signaling, Signaling System 7 (SS7), protocol, and a broadband signaling protocol for call processing and control within the ATM network. See paragraphs 0045, 0046, and 0062-0064.)

Regarding claims 6 and 11, and further regarding claim 16, Allen discloses *the signaling protocol is defined as a set of at least three entities including a protocol entity, a nodal function, and a served user, and wherein, a respective interface is operatively connected between the nodal function and the served user for each of the media gateways, and wherein the first gateway contains the nodal functions and each of the media gateway contain a served user* (Referring to Figure 4, the centralized control and signaling interworking function, CS-IWF 30, (protocol entity and nodal function) performs call control functions and conversion between narrowband signaling, Signaling System 7 (SS7), protocol, and a broadband signaling protocol for call processing and control (interface operatively connected between the nodal function and served user) within the ATM network, the T-IWF 28 services the End Offices 20 and 22 (served user). See paragraphs 0045 and 0046.)

Regarding claims 8, 13 and 18, Allen discloses *using a single media gateway with an integrated broadband SS7 signaling gateway as a single SS7 point code for more than one gateway of the cluster of media gateways* (Referring to Figure 4, the centralized control and signaling interworking function, CS-IWF 30, performs call control functions and conversion between narrowband signaling, Signaling System 7 (SS7), protocol, and a broadband signaling protocol for call processing and control within the ATM network, comprising a single SS7 point code. See paragraphs 0045, 0046, and 0073.)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen (US 2001/0017861 A1) in view of Benedyk et al. (US 6,952,433 B1), hereinafter referred to as Benedyk.

Regarding claim 3 as explained in the rejection statement of claim 1, Allen discloses all of the claim limitations of claim 1 (parent claim).

Allen does not disclose *using a single broadband SS7 signaling gateway for multiple wireless access gateways*.

Allen discloses a centralized control and signaling interworking function device, which acts a single broadband SS7 signaling gateway (Referring to Figure 4, see paragraphs 0045 and 0046.). Benedyk teaches a method and system for routing messages in a radio access network, in which a Radio Access Network Gateway provides the signaling for multiple Radio Access Network Controllers (multiple wireless access gateways) (Referring to Figure 3, see paragraph 0023.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the Radio Access Network Controllers of Benedyk in the system of Allen. One of ordinary skill in the art at the time of the invention would have been motivated to do so in order to improve system access by extending service to wireless handsets for conventional SS7 and ATM-based network elements as taught by Benedyk (See paragraph 0023.)

Response to Arguments

5. Applicant's arguments filed 20 August 2007 have been fully considered but they are not persuasive.

Rejection Under 35 USC 102

On page 10 of the remarks, regarding claims 1, 7, 12 and 16, the Applicant argues Allen does not disclose using a *using a single media gateway with an integrated broadband SS7 signaling gateway as a single SS7 point code for more than one gateway of the cluster of media gateway*. The Examiner respectfully disagrees. Allen discloses the centralized control and signaling interworking function, CS-IWF 30, performs call control functions and conversion between narrowband signaling, Signaling System 7 (SS7), protocol, and a broadband signaling

protocol for call processing and control within the ATM network (comprising a number of ATM switches), comprising a single SS7 point code (See paragraphs 0045, 0046, and 0073.).

Therefore, Allen discloses using a *using a single media gateway with an integrated broadband SS7 signaling gateway as a single SS7 point code for more than one gateway of the cluster of media gateway.*

Rejection Under 35 USC 103

On page 14 of the remarks, regarding claim 3, the Applicant argues Benedyk does not teach a method and system for routing messages in a radio network. The Examiner respectfully disagrees. Benedyk teaches the radio access network gateway receives messages from the core network formatted according to the core network protocol and translates these messages to an ATM-based protocol for communication to a radio network controller for transmission (See Abstract.) Therefore, Benedyk teaches a method and system for routing messages in a radio network.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L. Mills whose telephone number is 571-272-3094. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Donald L Mills/

November 9, 2007


CHI PHAM
SUPERVISORY PATENT EXAMINER

11/13/07